HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.14370 of 2007

Dated:30-10-2007

Between:
B.Mangayamma
And others.

..... Pet

AND

The District Collector,
East Godavari district, Kakinada
and another.

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Counsel for the petitioners : Sri D.Srinivas

Counsel for the respondents : A.G.P. for Land Acquisition.

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.14370 of 2007

O R D E R:

This writ petition is filed for a writ of certiorari to quash the notification dated 29.5.2007 issued under Section 4(1) of the Land Acquisition Act 1894 (for short 'the Act').

By the impugned notification, an extent of Ac.4.46 cents of land which includes 87 cents and Ac.1.32 cents of the land situated in survey No.237/1/B/1A and 240/2A respectively belonging to the petitioners are proposed to be acquired. In the affidavit filed in support of the writ petition, the petitioners contended that their lands are all double crop wet lands in nature and that there are other Government dry lands in the village which are available for providing house sites to the landless poor persons.

The learned Assistant Government Pleader for Land Acquisition stated that since an enquiry under Section 5-A of the Act is being held, it is open to the petitioners to file their objections, which will be considered by the Land Acquisition Officer.

A perusal of the impugned notification dated 29.5.2007 shows that the Revenue Divisional Officer, Kakinada is entrusted with the function of holding enquiry under Section 5A of the Act. I do not therefore, see any reason to entertain the writ petition at this stage when the petitioners can ventilate their grievances in the enquiry to be held under Section 5A of the Act. If the objections of the petitioners are not considered, it shall then be open to them to avail appropriate remedies. Therefore, in my opinion the present writ petition filed before the completion of enquiry under Section 5A of the Act is premature.

The writ petition is therefore disposed of in the following terms:

1. The petitioners shall file their objections within one week from today.
2. Respondent No.2 shall give opportunity of personal hearing to the petitioners, consider the objections and dispose of the same.
3. After the completion of enquiry, respondents are given liberty to proceed in terms of the provisions of the Act.

C.V.NAGARJUNA REDDY,J

Date:30.10.2007

Note:
Issue c.c. in two days.
B/o.
mdaa